

1 JUDGE SIPPEL: What's the page reference?

2 MR. BECKNER: The page reference is page 93, Your
3 Honor, of this minuscrypt.

4 JUDGE SIPPEL: All right. I have it.

5 BY MR. BECKNER:

6 Q Okay. At the beginning of line 16, and this is
7 the question: "Now" -- I'm reading here. "Now did there
8 come a time in 1995 when you became aware that Liberty was
9 operating some microwave paths for which it had not yet
10 received an FCC license?" Answer: "That's correct."
11 Question: "Approximately when did that come to your
12 attention if you remember?" Answer: "I believe it was in
13 January of '95 -- in that early January, early 1995. I'm
14 not clear when. Sometime -- I'm sorry, somewhere in that
15 area."

16 Question: "At the time when you were first aware
17 that Liberty was operating these unlicensed microwave paths,
18 did you know how many such paths there were?" Answer:
19 "No." Now, I'm going to interrupt my reading of the
20 questions and answers. And I take it from the answer that
21 you just gave today to Mr. Spitzer's question, what you're
22 telling the Presiding Judge here is that when you gave this
23 answer in May, you were thinking of the Time Warner
24 petitions to deny that were filed in January of 1995. Is
25 that right?

1 A That's right. It referred to the fact that
2 because we had this franchise issue in New York, we
3 shouldn't be able to hold FCC licenses. Therefore, we
4 shouldn't be in good standing with the FCC. And I related
5 that to the same ball of wax.

6 Q Okay.

7 A I believe I later clarified it in the deposition.

8 Q Now, I'm going to get to that. I'm trying to be
9 fair to you. But on the other hand, I want the Judge to
10 hear the actual questions and answers --

11 A Certainly.

12 Q -- that your answer before referred to.

13 JUDGE SIPPEL: By the way, I referred to that with
14 Mr. Lehmkuhl yesterday as being a local issue. I mean, I'm
15 cognizant of the fact that the franchise ties in with the --
16 with the Communications Act of '84 and there's a cable
17 ruling involved in that. So it's not just a local issue. I
18 just want to be sure that it's clear that I understand that.

19 MR. BECKNER: Okay. Well, thank you, Your Honor,
20 for that clarification.

21 BY MR. BECKNER:

22 Q And I take it, Mr. Price, that in your mind at
23 least, that -- the -- the genesis or the root of all of
24 Liberty's problems that bring us here today goes back to
25 those petitions to deny that Time Warner filed in January of

1 1995.

2 A No, I don't think that's the root of the problem
3 we're here for today. I think the root of the problem here
4 is today a lack oversight on our part in managing our
5 license process.

6 Q Okay. But -- all right. I guess I misunderstood
7 your answer. I thought you were saying that -- that these
8 petitions delayed what had been or what had becoming a
9 fairly routine licensing process which then precipitated all
10 these other events that you've talked about, the delay in --
11 in Liberty getting its licenses.

12 A No, I can't attribute that to the evil empire.

13 Q Oh, okay. By the evil empire, are you referring
14 to the Soviet Union or Time Warner Cable?

15 A The latter.

16 Q All right.

17 A The latter evil empire.

18 Q The former has now collapsed. Hopefully, the
19 latter will not.

20 JUDGE SIPPPEL: You know, I think we better bring
21 the focus back to the line of questioning.

22 MR. BECKNER: Certainly, Your Honor. I'm going to
23 continue reading from this deposition transcript.

24 BY MR. BECKNER:

25 Q Let's see. I'm on page 94 here. And I'm the one

1 asking the questions in the transcript. And I asked the
2 Reporter to read the answer back. The Reporter does that
3 and then --

4 MR. SPITZER: Your Honor, I hate to object --

5 JUDGE SIPPEL: Mr. Spitzer?

6 MR. SPITZER: -- and I rarely do. But I would
7 note that Mr. Beckner is skipping a passage here, just two
8 lines, that I think for the same of completeness would help
9 significantly.

10 JUDGE SIPPEL: All right. He's going to redirect
11 on this --

12 MR. BECKNER: Well, Mr. Spitzer, that was
13 inadvertent. I'll be glad to solve that problem right here.
14 I'm sorry. You'll notice that today I don't have my glasses
15 with me.

16 BY MR. BECKNER:

17 Q Mr. Spitzer has corrected me. And just to be
18 fair, Mr. Price, let me restate it. There was -- after you
19 gave the answer, no, to the question, did you know how many
20 paths there were that were unlicensed, I asked another
21 question: "You just knew there were some." And then your
22 answer was, "I didn't know there were any until we looked
23 into it and found out." Then I asked that the answer be
24 read back. It was read back and you added -- again, this is
25 your testimony -- "Just to clarify, it was early '95."

1 "When in '95?" "Sometime in the first quarter I believe of
2 '95."

3 And then another question: "Sometime between
4 January and the end of March, would that be fair?" And then
5 your answer: "Yes, sometime in the first three or four
6 months of '95." My question: "Could it have been as late
7 as April?" Answer: "It could have been as late as April."

8 Then I'm going to skip the next question and
9 answer. Well, no, I'll strike that. I'll go ahead and just
10 continue on page 95. Then there's a question: "When you
11 first became aware of that situation, what was the first
12 information you received? For example, was it that a
13 specific path was unlicensed? Was it that some paths might
14 be unlicensed? Was -- what's the first thing that you
15 learned about this?" The answer: "I believe it was some
16 paths might be unlicensed. I don't recall precisely what
17 the first communication was, but I believe it was some paths
18 might be unlicensed. So we began to check the dates to
19 determine what was or wasn't properly licensed."

20 Then there's another question: "What was the
21 source of the first information you received about the
22 possibility that you might have some unlicensed operating
23 microwave paths?" Answer: "I believe it was from counsel."
24 Question: "Was counsel reporting to you an allegation that
25 had been made in a pleading filed by Time Warner?" Answer:

1 "I believe that's where they got their information. I can't
2 say, but I believe that's where it is."

3 MR. BEGLEITER: "That's what it is."

4 MR. BECKNER: I'm sorry.

5 BY MR. BECKNER:

6 Q "That's what it is." And then there's a question
7 after a colloquy with Mr. Spitzer. Question: "When counsel
8 reported this allegation to you, was this in a phone
9 conversation you had?" Answer: "It might have been a phone
10 conversation. It might have been a meeting in the office.
11 I don't recall what the forum was." Question: "But in any
12 event, it was a conversation as opposed to a memo that you
13 received from that I take it." Answer: "That's correct."

14 Now, I'm going to stop there because what I
15 understood you to say in your testimony today is that this -
16 - this memo that you received from Behrooz Nourain that's
17 dated April 26th and has been marked as Time Warner -- TW/CV
18 Exhibit 35 was the first indication that you got that told
19 you at least that there was a possibility that you might be
20 running unlicensed.

21 A That's correct.

22 Q Okay. And -- and I don't believe you had a chance
23 to explain why your testimony today is is that you first
24 learned through a memo whereas your testimony of May 28th of
25 last year was that you first learned in some kind of a

1 conversation.

2 A To use your words, Mr. Beckner, you just said that
3 I learned in that communication that there might be. And I
4 testified earlier today that it was apparent to me that we
5 had a problem there. It was apparent to me that while that
6 memo might not have said that we were providing unauthorized
7 service, it raised -- it created certain contradictions in
8 that we might well be.

9 In the conversation with counsel that followed
10 that same day -- I believe that same day, counsel confirmed
11 to me that, yes, we believe you have a problem based upon
12 what we see here or what you're telling us. So I think it's
13 perfectly consistent with my earlier -- my deposition and
14 also what I said this morning.

15 But please understand, when I was dealing with
16 this testimony, frankly, I'm surprised not having seen some
17 of the documents I saw this week, that I was pretty much in
18 the zone with both the April time frame and the unfolding of
19 events there because, as these documents showed me what was
20 going on precisely that week, it did pretty much conform to
21 my general recollection without seeing the document or
22 specifically recalling that telephone conversation.

23 Q Okay. Just to be absolutely sure that -- that the
24 memo here that has been marked as TW/CV Exhibit 35, that is
25 as far as you can remember the very first indication,

1 inkling, tip of the iceberg, anything that suggested to you
2 that there might be some kind of problem with Liberty
3 operating without licenses.

4 A Yes, that was the first time I became aware of it
5 or put the pieces together. I mean, documents may have
6 passed by me before that, had I taken out operation reports
7 and put them together with those documents, I might have
8 reached or should have reached that conclusion earlier.
9 That could be. But the first time it connected to me where
10 specific sites were being mentioned and references were
11 being made to licensing or pending licensing, that's when I
12 put it together and that was the first time I recognized
13 that we might be providing unauthorized service, yes.

14 Q Okay. Was there any time before the time that you
15 received TW/CV Exhibit 35 where you -- you knew that someone
16 was claiming or suggesting or arguing that Liberty was
17 operating without required microwave licenses without regard
18 to whether or not you knew it was true or not? But were you
19 aware of anybody claiming that or suggesting it was even a
20 possibility before you received this Exhibit 35?

21 A No, I was not.

22 Q Okay. So to use a metaphor, this memo and the
23 time that you got this memo was the very first time that
24 this issue of unlicensed operation by Liberty came on your
25 radar screen.

1 A It was the first time that I recognized that there
2 was a possibility of unauthorized operation.

3 Q Okay.

4 A I mean, I say that and I don't mean to belabor
5 this point, but you've asked me earlier by taking out
6 different documents that if I had put this document that I -
7 - passed my desk that I didn't recall receiving but I said I
8 probably did receive -- if I had put it together with an
9 operations report on that day, could I or should I have
10 known. I recognize there are those kind of connections that
11 --

12 Q No, I'm not asking for that.

13 A Oh, okay. Apart from that, no. The answer is
14 that I did not know of or no one had told me about or
15 suggested to me that we were operating unauthorized paths
16 before that date.

17 Q Okay. That's fine. And that -- let me just move
18 on. You have Exhibit 35 in front of you, sir. That's TW/CV
19 35. It's in the thick notebook. It's probably all the way
20 at the back.

21 A Yes, I do.

22 Q All right. Now, the document that you have and
23 that's been admitted in evidence in the proceeding here is
24 one which is typed and then has some handwriting and strike-
25 throughs on it. Do you remember whether or not the version

1 that you received that you said brought this matter first to
2 your attention had these -- these -- these markings on it or
3 was it just a clean typed copy?

4 A I -- I have no recollection whatsoever.

5 Q Okay. Now, your counsel asked you about the
6 second paragraph in the memorandum. And I think you
7 testified that when you -- and you also answered some
8 questions from the Presiding Judge. You testified that when
9 you looked at these addresses, you knew right away that some
10 of them were already turned on because you had worked on
11 these customers personally.

12 A That's correct, sir.

13 Q All right. When you read the words here, "current
14 customers", that are written here in the second paragraph,
15 did you have an understanding that current customers meant
16 customers who were currently receiving service as opposed to
17 customers who were scheduled to receive service in the near
18 future?

19 A I understood current customer to mean customers
20 who were receiving service.

21 Q All right. And so then did you understand that --
22 that this list at least was -- I mean, without regard to
23 whether or not it was correct or not -- but the list was
24 telling you that all of these addresses were in fact
25 receiving services, not just the ones that -- that you knew

1 from your own independent knowledge were receiving service?

2 A Yes, that's correct.

3 Q Okay. And in fact, if you had wanted to check the
4 list in terms of determining whether or not these addresses
5 were receiving service, you could have pulled out the
6 operations report that you had just gotten for the -- for
7 your weekly meeting that was held the previous day. And
8 that would have told you the same thing, would it not?

9 A No, that's not correct because our operations
10 meeting is held on Thursday afternoon. And I testified to
11 the fact that I probably got this sometime during the day on
12 Thursday prior to our operations -- prior to our staff
13 meeting that afternoon. So the meeting would have been the
14 week before. And I don't keep a file of all those reports
15 because they're weekly reports from three different
16 departments and sometimes some optional reports. And they
17 would fill up a large barrel after a few years.

18 Q And, okay, so when you got this memorandum, you
19 didn't have an operations report handy because the one from
20 the previous week you had pitched.

21 A That's correct.

22 Q And -- but you were going to get another one that
23 very day, were you not?

24 A That's correct.

25 Q And -- and if you had gotten that -- the one for

1 the day of that meeting, you could have looked at it and
2 seen whether or not these addresses in Exhibit 35 were
3 listed as being served in the operations report.

4 A That's correct, although, remember, I said I'm not
5 sure we had a meeting that day. But if we did, I could have
6 pulled out that report and begun to do the reconciliation
7 myself.

8 Q Okay. And I take it from your answers to these
9 questions that the report -- the operations report is not
10 something that's given to you before the meeting?

11 A No, it is not. Never.

12 Q Mr. -- when Mr. Ontiveros comes to the meeting, he
13 has it with him and he hands it out to the people at the
14 meeting?

15 A That's correct.

16 Q All right. Now, I think you testified in your --
17 in your direct testimony earlier today that your office and
18 Edward Milstein's office are, I think you used the term
19 adjoining or adjacent to each other. Are they close?

20 A They're close. There's his office, a secretarial
21 pool and then my office.

22 Q Okay. Did -- did you happen to see Mr. Edward
23 Milstein, you know, any time before you received this
24 memorandum? I mean, just see him? I mean, not necessarily
25 to discuss anything, but just physically see him?

1 A I don't recall. I don't recall on that particular
2 day. Since he has to pass by my office to get to his, I may
3 have. But I just don't recall.

4 Q In any event, the -- the first paragraph of the
5 memo refers to a phone conversation. It say, "In reference
6 to our phone conversation." And it is addressed to Edward
7 Milstein. Did he ever tell you about a phone conversation
8 that he might have had with Behrooz Nourain that relates to
9 this memorandum?

10 A Not that I recall, no.

11 Q Okay. During the time that you were present at
12 Liberty Cable, did you have rather regular dealings with
13 Edward Milstein in conjunction with your responsibilities
14 and his responsibilities for Liberty?

15 A Yes.

16 Q So you had a pretty good sense of what kind of guy
17 he was and how he reacted to things?

18 A Yes.

19 Q All right. Based on that sense of what kind of
20 guy Mr. Edward Milstein was, if he had received a telephone
21 call from Behrooz Nourain that gave him any kind of
22 information like this that was on this memorandum, do you
23 think it likely that he would have come down the hall to you
24 and asked you if you know anything about this?

25 MR. SPITZER: Your Honor, I'm going to object.

1 It's speculative and it also presumes --

2 JUDGE SIPPEL: That's sustained.

3 BY MR. BECKNER:

4 Q Was it Mr. Edward Milstein's general practice when
5 he learned independent of you about matters that he
6 considered urgent in connection with Liberty to come to you
7 with those immediately?

8 A Yes. But it was also his policy and his to go
9 directly -- get involved directly if he feels it's an
10 important matter. He's not shy about picking up the phone.

11 Q But, I mean, do you remember any instance where
12 Mr. Edward Milstein learned about something in conjunction
13 with Liberty and came to you and said, Peter, do you know
14 anything about this, or words to that effect?

15 A Yes, I believe so. But I can't recall a
16 particular instance. I'd be surprised if he didn't say that
17 on some occasions.

18 Q Okay. Now, this memorandum -- did you understand
19 this memorandum to say that -- that as of the date of the
20 memorandum itself, that at least one response to the
21 situation that's described in the memorandum had already
22 been implemented; and that is, to file STA requests with the
23 FCC? And I'm directing your attention to the second
24 paragraph here.

25 JUDGE SIPPEL: This is of your Number 35.

1 MR. BECKNER: Yes, sir.

2 THE WITNESS: I don't -- I didn't take the second
3 paragraph as being filed to mean that they had been filed.
4 I take it to mean as I'm reading it and I presume as I took
5 it at the time that they either are in the process of being
6 filed -- more like that than had been filed. I'm just
7 looking at the face of the language.

8 BY MR. BECKNER:

9 Q But -- but I think my question was intended to ask
10 you whether or not, even before this conference call with
11 the attorneys that you testified took place after you got
12 the memorandum, apparently someone had already given
13 direction to them to file these STAs.

14 A Well, it was the operating policy of the company
15 to file STAs whenever licenses were being delayed. And I
16 presume since Time Warner was petitioning to deny our
17 licenses and we were having a terrible problem getting
18 licenses out of the FCC because of the petitions, that we
19 were doing our best to apply for STAs. And that continued
20 after this time as well as before this time.

21 JUDGE SIPPEL: When did you first formulate that
22 conclusion?

23 THE WITNESS: That we were applying for STAs?

24 JUDGE SIPPEL: No. That your STA efforts would be
25 handicapped or slowed down by virtue of the petition.

1 THE WITNESS: The -- in conversations with the
2 counsel I believe in response to the -- it became very clear
3 a couple of weeks later as we got into discussions with
4 counsel about the time table and STAs, and how we would go
5 forward with our licensing, we got very deeply into the
6 subject of -- that subject.

7 JUDGE SIPPEL: Listen carefully to my question.
8 Based on your best recollection, when is the first time that
9 you formulated this idea, this idea, this concept that there
10 was a -- that there was an ongoing problem of getting your -
11 - your STAs approved through the FCC as a result of the Time
12 Warner petitions?

13 THE WITNESS: I believe it was in the spring of
14 '95. At least it reached extreme proportions. To me it
15 became noticeable that our forward sites were getting
16 delayed because we were sitting waiting for license
17 approval.

18 JUDGE SIPPEL: Well, you've been -- you were
19 talking to -- you've given us quite a list of various FCC
20 legal expertise that you've been relying upon since the 18
21 gigahertz concept came to your mind.

22 THE WITNESS: Yes, sir.

23 JUDGE SIPPEL: Was there at any time in the course
24 of those conversations -- was somebody with FCC experience
25 said, by the way, you're going to have a problem getting

1 certain things done at the FCC as long as things -- while
2 this petition is going on?

3 THE WITNESS: I don't think they said it
4 explicitly until May as I recall. But I think we began to
5 discuss -- there began to surface the problem of the delays
6 we were having. But did they say we weren't going to get
7 anything out of the FCC, you know, at all while these
8 petitions were pending?

9 I don't -- the minute I heard that, I remember
10 what I did. And so I remember when I heard that we couldn't
11 expect anything to happen, we then went to our legislative
12 counsel and said can't we prevail upon members of Congress
13 to prevail upon the FCC to give us special temporary
14 authority. Otherwise, we can't go forward with the business
15 of the company. Then it became vivid. Before that point, I
16 don't think I perceived that we couldn't get anything out of
17 the FCC.

18 JUDGE SIPPEL: Well, that's -- that's not my
19 question. Now, you're not listening to my question. I want
20 to know at what point in time you had formulated in your
21 mind that there was, as I use the term, a hindrance, that
22 there was going to be delay, there was going to be something
23 different going on with respect to your applications as a
24 result of the Time Warner petitions.

25 THE WITNESS: In the spring of '95. That's all I

1 can say. The petitions didn't start until --

2 JUDGE SIPPEL: You've answered the question.

3 You've answered my question. Mr. Beckner?

4 BY MR. BECKNER:

5 Q Now I'd like you to go ahead, if you would, and
6 return to Exhibit 34 which is the April 28 memorandum.

7 A Yes, sir. I have it.

8 Q The memorandum begins, "You have asked me", and
9 the author is Mike Lehmkuhl, "to prepare a summary." So you
10 recall yourself directly communicating with Mr. Lehmkuhl in
11 making such a request?

12 A No, I did not.

13 Q Okay. So whoever he's referring to, it's not you
14 when you say --

15 A Well, I presume he's referring to the person to
16 whom he addressed the memo.

17 Q Which would be Behrooz Nourain.

18 A That's correct.

19 Q All right. Now, when you -- when you got this
20 memo -- and I think you said you did get it on the 28th or
21 else the following Monday it may have been.

22 A It may have been the following Monday.

23 Q And let me just again -- in terms of assisting
24 your recollection, and it may assist it, I'd like you just
25 to take a look at page 005 of the exhibit which is the

1 transmit confirmation report from the fax machine. And that
2 has a printed-out time of -- of 5:32 p.m.

3 And I'll just state for you that the phone number
4 here that is identified -- has been identified as the phone
5 number of Mr. Nourain's fax machine. So it would suggest
6 that Mr. Nourain at least got it at 5:32 p.m. on the 28th.
7 Does that help you remember at all when you got it? You had
8 already said you got it late on the 28th or the next Monday.

9 A So I presume if that was -- if it was after 5:00
10 on Friday -- and checking my book, I notice I was out of
11 town that weekend -- I would probably have seen it Monday
12 morning, not Friday evening.

13 Q Okay. Fine. And you read the memo once you saw
14 it on Monday, right?

15 A Yes, I did.

16 Q All right. Now, the third paragraph talks about
17 an inquiry that Mr. Barr and Mr. Lehmkuhl say they made
18 regarding getting STA. Do you remember whether or not they
19 were directed to make the inquiry that they're reporting on
20 here in the phone conversation you had the previous week?

21 A No, I don't recall directing them.

22 Q Okay. And do you recall knowing in advance that
23 they were going to make this inquiry they say they did?

24 A No, I do not.

25 Q All right. Now, after you received this -- this

1 memorandum which --

2 JUDGE SIPPEL: Which one?

3 MR. BECKNER: The -- Exhibit 34, the April 28th
4 memorandum. Sorry, Your Honor.

5 BY MR. BECKNER:

6 Q Did you yourself come to any conclusion about the
7 likelihood that STA requests would be granted based on what
8 you were told in this memorandum?

9 A Well, it says specifically that it's -- that they,
10 the FCC, would not be inclined to grant an STA request.

11 Q So -- so did you conclude from that -- were you
12 un-optimistic that an STA request were granted if they filed
13 it?

14 A Based upon this opinion, yes.

15 Q Okay. But they -- they recommend here in the
16 third paragraph of the first page that the request should be
17 made -- that is, the STA request should be made owing to the
18 seriousness of the situation.

19 A Yes. And by the way, the -- again, this was their
20 opinion in one memo. There was no consensus about whether
21 we would not be given STAs.

22 As a matter of fact, there was -- subsequent to
23 this, as I said, there was a good deal of discussion about
24 the log jam of licenses and STAs and the standstill as a
25 result -- what was becoming a standstill on perspective

1 applications, and a lot of discussion about what could be
2 done, should be done to free up the licenses and wasn't this
3 in fact a -- exactly what an STA was for, so that people
4 could continue to go about their business pending some
5 decision by the FCC as to whether they would let them
6 continue or not. So we didn't consider this dispositive.

7 Q Well, I mean --

8 A I didn't personally.

9 Q And in any event, STA requests for all these paths
10 were filed -- or almost one or two of them were filed on --
11 on May -- May 3rd.

12 A I believe that's correct, but I don't know that.

13 MR. BECKNER: I'm sorry. May 4th.

14 MR. SPITZER: May 4th, Your Honor.

15 MR. BECKNER: I beg your pardon.

16 JUDGE SIPPEL: That's -- all right. Even I picked
17 up on that.

18 MR. BECKNER: Thank you, Mr. Spitzer.

19 THE WITNESS: I haven't reconciled this list and
20 the May 4 list, but I'll -- I presume -- I think that's
21 correct. I don't think --

22 MR. BECKNER: Yes, no, I'm not --

23 JUDGE SIPPEL: These are -- these are listed on
24 the Attachment A to the hearing designation order. So
25 there's considerable familiarity with that here.

1 BY MR. BECKNER:

2 Q Yes. Mr. Price, I was not asking to vouch that --
3 for each and every one of these addresses. In fact, there
4 were not requests filed for a few of them. But the majority
5 of them were the subject of STA requests filed on May 4th.
6 And that's a matter of record. You say you got this memo on
7 May 1st. Other than from reading the other memorandum that
8 I asked you about -- that is, Mr. Nourain's memorandum to Ed
9 Milstein dated April 26th -- did you have any other
10 knowledge other than that memorandum that STA requests were
11 going to be filed for these paths?

12 A I didn't -- it wasn't specifically in my mind. I
13 mean, there may have been discussions about that in the
14 company or there may have been dialogue or some exchange on
15 that. But I wasn't aware of it or don't recall it or didn't
16 recognize it if it was going on.

17 Q And -- and I -- was there any discussion between
18 May 1st and May 4th that you participated in about whether
19 or not these STA requests that were -- as the memorandum
20 said, were being filed -- or not those requests should
21 reveal in them the fact that some of the paths for which STA
22 was being sought had already been activated?

23 A No, I don't -- I don't recall any specific
24 discussion that I was in at that time of that sort, although
25 in reflection I think, you know, it would probably would

1 have been a pretty good idea. But I don't -- I didn't
2 participate directly in a discussion of that particular
3 subject. I was aware that a lot of things were being done.
4 I was digging into records. Everybody was digging into
5 records. I was aware that consideration was being given to
6 filing for path -- for STAs to cover situations where we
7 were not authorized. But did I directly instruct someone to
8 file STAs to do this, no.

9 Q And -- and did you review in a draft form any of
10 the STA requests that ultimately were filed on May 4th?

11 A I don't believe I did see a draft of them, no.

12 Q All right.

13 A There was a lot flying at that time, a lot of
14 paper. But I don't specifically recall reviewing STA
15 requests for those paths.

16 Q All right. I'd like to ask you to take a look at
17 Liberty/Bureau Exhibit 1. That's the thinner notebook of
18 exhibits, sir -- Tab 1.

19 JUDGE SIPPEL: I'm going to have to -- I've got my
20 notes on that one. I'm going to give you the official
21 exhibit.

22 THE WITNESS: This is Number 1?

23 JUDGE SIPPEL: Yes, 1.

24 MR. SPITZER: If you need another copy, we have
25 one here, Your Honor.

1 JUDGE SIPPEL: Well, that's -- we could do it
2 maybe at a break or something. I -- we're doing okay up
3 here. Go ahead. Thank you.

4 BY MR. BECKNER:

5 Q Now, Mr. Price, you've already testified about
6 this document in your deposition. But for this hearing
7 record, I'm going to ask you a few questions about it that
8 you've probably already heard before.

9 A Please do.

10 Q The -- this document -- I believe you testified
11 before that you don't have any recollection of receiving it
12 around the date of February 24th, 1995, or indeed at all.

13 A No, that's not what I said.

14 Q I'm sorry.

15 A As -- as I recall, what I said was that if it was
16 addressed to me at my office, I probably did receive it in
17 the ordinary course. But I don't recall reading it or don't
18 have a specific recollection of receiving, although I am
19 sure I did.

20 Q When you -- when you got -- well, it's kind of
21 hard to ask these questions because you say -- would you
22 have been surprised to have received a document like
23 Liberty/Bureau Exhibit 1?

24 A I've received dozens of documents from regulatory
25 counsel, both Pepper & Corazzini and Ginsburg, often with

1 long attachments. And would I be surprised to receive
2 something that referred to a reconciliation or some
3 inventory of licenses that was apparently going on between
4 COMSEARCH, Behrooz Nourain and regulatory counsel? Not at
5 all. That was part of the procedure I thought I had asked
6 to be put in place.

7 Q Okay. If you -- if you had received this document
8 that we're looking at, Liberty/Bureau Exhibit 1, would you
9 have forwarded the document on to anyone in the company?

10 A Generally I would forward it to engineering, to
11 Behrooz or operations. Sometimes I would get documents sent
12 to me as CEO at our corporate office. And if both of us or
13 a couple of us or several of us were listed, I didn't
14 necessarily assume that a person at another office of ours
15 would have gotten it. So I would routinely send it to them
16 1) because it would be more in their province, 2) it didn't
17 require any specific action from me, and thirdly, I didn't
18 keep a file of regulatory documents.

19 Q Well, let me ask you about another set of
20 documents that you may or may not have received. You were
21 of course aware during the period really beginning in
22 January of 1995 that Liberty's microwave license
23 applications at the FCC were being petitioned against by
24 Time Warner. I mean, you've testified to that.

25 A That's correct.